

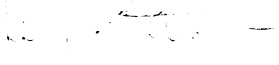



SEP 17 2003

 <p align="center">Financial Assistance Award</p> <p align="center">DENALI COMMISSION 510 "L" Street, Suite 410 Anchorage, Alaska 99501 (907) 271-1414 (phone) (907) 271-1415 (fax) www.denali.gov</p>	Project Number	0106-DC-2003-I19																									
	Project Title	Washeteria Design and New Construction Village of Napaskiak																									
	Performance Period	1 September 2003 through 30 September 2005																									
	Recipient Name & Address																										
Authority 112 Stat 1854	CFDA Number 90.100	Native Village of Napaskiak Phillip Nicholai, Jr., Tribal Administrator P.O. Box 6009 Napaskiak, Alaska 99559 907.737.7364 907.737.7039 fax pnicholai@avcp.org																									
Denali Commission Finance Officer Certification																											
Cost Share Distribution Table																											
<table border="1"> <thead> <tr> <th>Accounting Code</th> <th>Denali Commission</th> <th>Other Contributors</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>95670000</td> <td>\$1,025,000</td> <td></td> <td>\$1,025,000</td> </tr> <tr> <td>State of Alaska (VSW)</td> <td></td> <td>\$1,466,500</td> <td>\$1,466,500</td> </tr> <tr> <td>Local Cash/In-kind</td> <td></td> <td>\$300,000</td> <td>\$300,000</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$0</td> </tr> <tr> <td>Total</td> <td>\$1,025,000</td> <td>\$1,766,500</td> <td>\$2,791,500</td> </tr> </tbody> </table>				Accounting Code	Denali Commission	Other Contributors	Total	95670000	\$1,025,000		\$1,025,000	State of Alaska (VSW)		\$1,466,500	\$1,466,500	Local Cash/In-kind		\$300,000	\$300,000				\$0	Total	\$1,025,000	\$1,766,500	\$2,791,500
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<p>This Financial Assistance Award approved by the Federal Co-Chair of the Denali Commission is issued in triplicate and constitutes an obligation of federal funding. By signing the three documents, the Recipient agrees to comply with the Award provisions indicated below and attached. Upon acceptance by the Recipient, two signed Award documents shall be returned to the Federal Co-Chair of the Denali Commission and the Recipient shall retain the third document. If not signed and returned without modification by the Recipient within 30 days of receipt, the Federal Co-Chair may unilaterally terminate this Award.</p> <p> <input checked="" type="checkbox"/> Special Award Conditions and Attachments <input type="checkbox"/> Line Item Budget <input checked="" type="checkbox"/> OMB Circular A-133, Audits of States, Local Governments and Indian Tribal Governments (www.whitehouse.gov/OMB/circulars/a133/a133.html) </p> <p>Administrative Requirements (check one)</p> <p> <input checked="" type="checkbox"/> 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments (www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html) <input type="checkbox"/> 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations (www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html) </p> <p>Cost Principles (check one)</p> <p> <input checked="" type="checkbox"/> OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments (www.whitehouse.gov/OMB/circulars/a087/a087-all.html) <input type="checkbox"/> OMB Circular A-122, Cost Principles for Nonprofit Organizations (www.whitehouse.gov/OMB/circulars/a122/a122.html) <input type="checkbox"/> OMB Circular A-21, Cost Principles for Educational Institutions (www.whitehouse.gov/OMB/circulars/a021/a021.html) <input type="checkbox"/> 48 CFR 31.2, Contracts with Commercial Organizations </p>																											
Signature of Authorized Official - Denali Commission 		Typed Name and Title Jeffrey B. Staser, Federal Co-Chair	Date 9-4-2003																								
Signature of Authorized Official - Native Village of Napaskiak 		Typed Name and Title Phillip Nicholai, Jr., Tribal Administrator	Date 9-12-03																								

THE DENALI COMMISSION
AWARD CONDITIONS TO THE FINANCIAL ASSISTANCE AWARD

Project Number: 0106-DC-2003-I19
Native Village of Napaskiak
Washeteria Design and New Construction

**Award Administrator: Village Safe Water, State of Alaska Department of Environmental
Conservation**

September 2003

1. *Scope of Work*

The total amount of funding provided by the Denali Commission, hereinafter referred to as the Commission, for this financial assistance award shall not exceed \$1,025,000.00.

The State of Alaska Department of Environmental Conservation, Village Safe Water, hereinafter referred to as VSW, will administer the funds on behalf of the Native Village of Napaskiak in accordance with standard VSW program terms and conditions which are further detailed in this document. These funds will be used to construct and equip a washeteria facility consistent with the design presented in the Native Village of Napaskiak's submission to the Denali Commission's *Request for Proposals for Washeteria Improvements or Construction* on January 2, 2003. The design of the facility includes provisions for clothes washers, clothes dryers, restrooms, shower and bath facilities. The approved design specifically does not include a sauna, hot tub or whirlpool. Any substantial variance from the approved design requires pre-approval from the Commission.

The Native Village of Napaskiak is responsible to first apply to this project the funds from all other funding sources identified and proposed in the Village of Napaskiak's submission.

All Commission funding is intended for use for the scope of work identified in the Award document only. In the event there is a balance of funding after the full scope of work is completed, then the Commission will determine how the excess funds will be allocated. The final decision on how excess funds are used is a Commission decision, and may include withdrawing excess funds for reallocation to other Commission projects.

2. *Award Performance Period*

The Award performance period is 1 September 2003 through 30 September 2005. This is the period during which Award recipients can incur obligations or costs against this Award.

3. Direct and Indirect Costs

The cost principles of OMB Circular A-87 are applicable to this Award. Indirect costs up to 0% are allowable under this Award. Please refer to the cost principles regulations for specific details on other allowable charges under this Award.

4. Budget and Program Revisions

The Administrative Circular 15 CFR 14 applies to this Award. Please refer to the Administrative Circular for specific details on revisions to this Award. The Administrative Circular requires that the Native Village of Napaskiak, through VSW, will inform the Commission in writing (e-mail, letter, or report) at the earliest possible date of any unanticipated project cost overrun, project schedule delays, or changes in the project scope or changed site conditions.

5. Reporting

Four forms of project reporting are required under this Award, listed below. The first quarterly reporting period is 1 October 2003 through 31 December 2003. Unless otherwise indicated, reports are due within 30 days of the end of the reporting period.

The Commission reserves the right, at a future date, to direct VSW to provide the progress reports in electronic format for posting on the Commission web page.

- a. Quarterly project reporting shall include both a narrative and financial summary. The narrative summary shall include a summary of the project status and accomplishments to date, and address the following questions: is the project on schedule, is the project on budget, and what actions are planned to address any project problems. The project financial status report shall show the following:
 - i. The total project budget
 - ii. The project schedule with milestone dates for design and construction
 - iii. The total amount of Denali Commission funds committed to the project
 - iv. The total project expenditures as of the end of the most recent quarter
 - v. The total expenditure of Denali Commission funds for the project as of the end of the most recent quarter
 - vi. The percentage of expenditures to the total budget; and
 - vii. A project performance analysis on project line items, as defined by VSW, showing budget costs compared to actual expenditures and obligation to date versus work performed to date (for each line item).
- b. A final Financial Status Report (Standard Form 269 – www.whitehouse.gov) shall be submitted to the Commission Project Officer within 90 days after the end of the Award Performance Period. If the Award Performance Period is longer than one year, or if the Agreement is revised to extend the Award Performance Period beyond one year, the recipient must submit a completed Standard Form 269 annually within 90 days after the end of each anniversary of the Award date.

- c. A Labor Type, Residence, and Wage Report shall be submitted to the Commission project officer at a minimum of two times annually. At a minimum, these two reports must be submitted on or near August 1st and December 1st each year to correspond with the Alaska construction season. A Labor Type, Residence, and Wage Report must include the following information by construction project for any person employed on the construction of that project: position, place of primary residence, period of employment, payroll earnings from inception of project to date. Personal or confidential information such as Social Security numbers, names of individuals, or other information that would identify an individual should not be included in this report.
- d. Photographic documentation shall be provided to the Commission at the beginning of the project and at project completion. Photo documentation shall include a minimum of five “before” pictures showing the situation before the start of construction, 10 “during” (provided at project completion) showing work proceeding on the project, and 5 “after” to show the finished project. For minor repair and O&M projects, pictures should be provided before and after to the extent possible. Photos shall be provided as photo quality, 3x5 prints with a negative for each picture, and/or print quality electronic photos (digital images). A short description of the activity and names of those in the photos shall also be provided.

6. Payments

Payments under this Award will be made through the U.S. Department of Treasury’s Automated Standard Application for Payment (ASAP) system. The ASAP system is the Commission’s mechanism for requesting and delivering Federal funds to Award recipients. The Native Village of Napaskiak and its designated Award Requestor must be registered with the ASAP program in order to make draw downs. Contact the Commission’s Project Manager or Finance Manager for further information about registering with the ASAP program. Payments will be made in accordance with 15 CFR 14. **No interest will be accrued on these funds.**

7. Award Close Out

- a. The Award closeout must be completed within 90 days of the end of the Award performance period or within 90 days of the completion of the project, whichever is earlier. The project closeout process out includes the submission of both a final narrative report and financial status report. Recipient organizations must also request any remaining funds for expenditures under this Award during this 90-day period. Please refer to the Commission guidance for project closeout for additional details on the requirements. This is available by contacting the Commission office or the Project Manager.
- b. The closeout report will include reporting on the percentage of the project that was performed through force account and the percentage of the project that was performed through the use of construction contracting (+/- 2%). These percentages should be tracked during project construction in order to meet this requirement.

- c. Acknowledgement of support: For all construction projects, the Award recipient shall include an acknowledgement of the Government's support of any project developed under this Award. The contractor shall display a sign that includes the following:
- i) The Denali Commission logo displayed prominently in the upper right-hand quadrant;
 - ii) The phrase, displayed prominently: "This project was funded by the Denali Commission and (*list the name of the funding partners*)";
 - iii) The logo of each partner in the lower right-hand quadrant.

The cost of this sign shall be paid out of the project funding received by the Award recipient from the Denali Commission. Final approval of signage material and placement of the sign must be obtained from the Commission Project Officer.

8. Public Policy Laws and Assurances

Award recipients are required to comply with the public policy laws and assurances on Standard Forms SF 424b (non-construction projects) or SF 424d (construction projects). This Form must also be signed by a certifying official of the organization. Some of the laws are highlighted below for your reference.

To the maximum extent practicable, considering applicable laws, Funding Recipients shall accomplish the project contemplated by the Award using local Alaska firms and labor.

No portion of this Award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.

Project level environmental reviews in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) are required for each project undertaken with Denali Commission funds.

9. Project Officers & Contact Information

Denali Commission	Communities	Project Partner(s)
Cindy Roberts 510 "L" Street, Suite 410 Anchorage, AK 99501 907.271.1414 main 907.271.3018 direct 907.271.1415 fax croberts@denali.gov	Phillip Nicholai, Jr., Tribal Administrator P.O. Box 6009 Napaskiak, Alaska 99559 907.737.7364 907.737.7039 fax pnicholai@avcp.org	Ken Collison, Program Manager Village Safe Water Department of Environmental Conservation 410 Willoughby Avenue, Suite 303 Juneau, Alaska 99801 Telephone: (907) 465-5137 Fax: (907) 465-5177 ken_collison@dec.state.ak.us Jim Patterson, Project Manager Village Safe Water 907.269.7611 jim_patterson@dec.state.ak.us

10. Napaskiak and VSW Award Conditions:

- a. The Native Village Napaskiak, hereinafter referred to as Napaskiak, designates the VSW project manager George Wilson as its representative in the design and construction management of the Napaskiak Washeteria project. The representative will provide advice and assistance to Napaskiak on administrative and technical matters relating to this award.
- b. Napaskiak agrees to obtain all titles and easements necessary to provide clear title or authority to construct and maintain the proposed project.
- c. Napaskiak shall expend award funds only for the purpose(s) described above.
- d. Plans and specifications must be approved by the permitting agencies and the Commission before proceeding with the start of construction.
- e. On behalf of Napaskiak, VSW will procure the services of an accounting firm that shall provide record and bookkeeping services associated with the administration of the proposed washeteria improvements, including federal and state payroll taxes and reports, writing checks, and maintaining check registers.
- f. On behalf of Napaskiak, the accounting firm shall be responsible, where applicable, for payment of all payroll and other taxes, general liability insurance, and Worker's Compensation.
- g. Napaskiak agrees to allow, at any reasonable time, Denali Commission and VSW inspection of all project work, including related records and data, and to maintain project accounts and records to verify project expenditures. The accounts and records shall be kept apart from other records.
- h. Napaskiak shall hold and save the Commission and VSW, its officers, agents, and employees harmless from liability of any kind, including costs and expenses, for or on account of any and all suits or damages of any nature, sustained by any person or persons or property, by virtue of performance of Napaskiak, or any person or entity acting in place of or for Napaskiak for this project.
- i. Upon completion of the project, Napaskiak shall adopt a resolution stating the project has been completed, thereby releasing the Commission and VSW from further liability.
- j. Napaskiak agrees to accept ownership and the responsibility for operation and maintenance of this project, assess user fees to ensure the system is self-supporting, and selected individuals who will be trained to operate and maintain the facility. Acceptance shall be effective on the date this award offer is signed by Napaskiak.
- k. Napaskiak agrees to operate the facility in a nondiscriminatory manner. No person shall be denied use of this facility due to race, religion, color, national origin, gender or disability.
- l. Napaskiak must certify that project and services provided under this award are made available to the general public in compliance with the Americans with Disabilities Act of 1990.
- m. The Community of Napaskiak agrees to return all funds not utilized in the design and construction of this project to the Commission.
- n. Napaskiak acknowledges the right of the Commission to rescind this award and seek recovery of payments already made if Napaskiak has provided incorrect or misleading information to the Commission or if a award condition contained

herein is violated. This award offer may be terminated at any time it is in the best interest of the Commission to do so.

- o. Napaskiak agrees that it shall be subject to suit for actions arising out of activities performed under this award in the same manner, and to the same extent, as any person and shall not be immune nor exempt from any administrative or judicial process, sanction or judgement.

11. Other Conditions

The Denali Commission must be notified by the Native Village of Napaskiak or VSW by December 31, 2003 that funding has been secured to cover the costs of the sewer force main and lift station or another plan is in place to deal with wastewater from the washeteria, or funds will be withdrawn and reallocated to other Denali Commission projects.

Acceptance of funding from the Denali Commission commits the Native Village of Napaskiak to operation of the washeteria consistent with the principles of economic sustainability, as demonstrated in its approved business plan. The essence of the business plan is that income from and/or subsidy to the washeteria is sufficient to keep the washeteria in operation and to apply appropriate resources to the needs for insurance, maintenance and equipment replacement. Independent insurance coverage (not self-insurance) must be adequate to guarantee replacement of facilities and equipment in the event of damage or loss from fire or other hazards.